

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

DELMOND CORNELL COZART,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-25-311-J
	)	
FNU HART, Warden,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner, a state prisoner appearing pro se, filed a petition for writ of habeas relief under 28 U.S.C. § 2241 challenging his state court conviction. [Doc. No. 1]. The matter was referred for initial proceedings to United States Magistrate Judge Chris M. Stephens consistent with 28 U.S.C. § 636(b)(1)(B), (C). Judge Stephens issued a Report and Recommendation finding that Petitioner’s claims were improperly raised under § 2241. The Court agreed but granted Petitioner additional time to inform the Court if he wished to convert his § 2241 action to one arising under 28 U.S.C. § 2254. [Doc. Nos. 11, 13]. Petitioner ultimately filed an amended habeas petition invoking § 2254 and the matter was re-referred to Judge Stephens. [Doc. Nos. 14-15]. Judge Stephens has now issued another Report and Recommendation, recommending that Petitioner’s § 2254 petition be transferred to the Northern District of Oklahoma. [Doc. No. 16]. Petitioner has filed an objection [Doc. No. 17] and an “Appeal Bond Motion” seeking release from confinement under Federal Rule of Appellate Procedure 9(b) [Doc. No. 18].

Petitioner’s objection is one paragraph and only generally objects to the Court transferring this matter. Petitioner does not address any factual or legal analysis in the Report and Recommendation. [Doc. No. 17]. As such, the Court declines to apply de novo review. *See United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996) (noting that only a proper

objection to a report and recommendation triggers the Court’s de novo review, and reiterating that an objection is “proper” if it is both timely and specific so that it “enables the district judge to focus attention on those issues – factual and legal – that are at the heart of the parties’ dispute”); *see also Sabbath v. Hicks*, No. 20-CV-00893-PAB-KMT, 2021 WL 1015986, at \*2 (D. Colo. Mar. 17, 2021) (citing Fed. R. Civ. P. 72(b)(3) and applying non-de novo review to an objection which failed, in relevant part, to specifically address the underlying report and recommendation).

Accordingly, the Court ADOPTS Judge Stephens’ Report and Recommendation [Doc. No. 16] and TRANSFERS this matter, with the pending “Appeal Bond Motion” [Doc. No. 18], to the United States District Court for the Northern District of Oklahoma.

IT IS SO ORDERED this 15<sup>th</sup> day of July, 2025.



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BERNARD M. JONES  
UNITED STATES DISTRICT JUDGE